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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,875	01/20/2004	George Nordstrom	81092030	1874
28395 7590 06/05/2007 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER KARLS, SHAY LYNN	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,875	Applicant(s) NORDSTROM ET AL.	
	Examiner Shay L. Karls	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the surface" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (USPN 3852923).

With regards to claim 1, Hess teaches a machine tool (drill rod: col. 3, lines 28-29) having a spindle (53) to fit within a housing (pipe 50) that is spaced from the spindle. There is a support plate (18, 19) and a rigid arbor (13) attached to the support plate. The arbor is adapted for attachment to the spindle (figure 2). There is a cleaning member (44-47) disposed on and extending from the support plate and the cleaning member contacts a surface of the machine tool (the housing) to remove contaminants.

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With regards to claim 5, the cleaning member is disposed along an outside edge of the support plate (figure 1)

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located about the arbor (13) and the cleaning members extend outwardly from the axis.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is 0 or 180 degrees.

With regards to claim 8, there is further a conduit (60) disposed on the support plate. The conduit is connected to a source of pressurized fluid (coolant). There is an aperture (14) for discharging fluid.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as anticipated by webpage “#3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft” herein referred to as “Dremel”.

Dremel teaches a machine tool comprising a spindle adapted to turn about an axis of rotation. The device can be used to clean various items such as the inside of a pipe which the pipe could then be considered a housing for the machine tool. There is a rigid arbor fixedly disposed on a support plate. The arbor is attached to the spindle (they are shown as separate parts however, they are capable of being attached together). There is a cleaning member disposed on and extending from the support plate, wherein the cleaning member contacts a surface of the machine tool (housing of pipe) to remove contaminants.

With regards to claim 2, the cleaning member is a plurality of bristles (bristle brushes).

With regards to claim 3, the cleaning member is a flexible wiper (rubber polishing points).

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With regards to claim 4, the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle (since the cleaning member does not need to be attached to the spindle, it can be used to clean the outside of the spindle).

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate (the bristles are angled between 0 and 90).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over webpage “#3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft” herein referred to as “Dremel” in view of Johnson (USPN 621026 1).

Dremel teaches a machine tool comprising a spindle adapted to turn about an axis of rotation. There is a rigid arbor fixedly disposed on a support plate. The arbor is attached to the spindle (they are shown as separate parts however, they are capable of being attached together). There is a cleaning member disposed on and extending from the support plate. The cleaning member can be used to contact a surface of the machine tool (surface of spindle) to remove contaminants since the claim does not state that the cleaning member needs to be attached to the spindle **when** contacting the machine tool. The claim only states “wherein the cleaning member

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contacts the surface of the machine tool to remove contaminates.” The claims fails to state that the cleaning member contacts the surface of the machine tool to remove contaminates when attached to the spindle. The claim needs to be more descriptive about what is occurring when the cleaning member contacts the machine tool because the broadest reasonable interpretation of the claim is that the arbor is disposed on the support plate and the arbor is attached to the spindle, but the arbor can still be removed from the spindle to clean the machine tool.

With regards to claim 2, the cleaning member is a plurality of bristles (bristle brushes).

With regards to claim 3, the cleaning member is a flexible wiper (rubber polishing points).

With regards to claim 4, the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle (since the cleaning member does not need to be attached to the spindle, it can be used to clean the outside of the spindle).

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate (the bristles are angled between 0 and 90).

Dremel teaches all the essential elements of the claimed invention however fails to teach that the machine tool comprises a housing spaced apart from the spindle. Johnson teaches a housing that is to surround a portion of the spindle on a machine tool. The housing can be used on the rotational tool known as the DREMEL tool (col. 2, lines 1-3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Johnson’s shield on Dremel’s tool to maximize protection of an operator yet permit the tool to

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achieve its intended purpose. The shield would prevent shattered tools or thrown wires from injuring the user (col. 1, lines 15-27). Thus, when the housing is attached to the spindle, the cleaning member could then be used to clean the housing as well as the spindle since the claim does not require the cleaning member to be connected to the spindle when cleaning the machine tool.

Examiner has included updated pictures of the webpage, labeling the rigid arbor.

Allowable Subject Matter

Claims 9-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 9 includes the limitations of a fixture comprising a mounting plate and a bearing block. There is a support plate attached to the fixture via the bearing block, with a cleaning member disposed on the plate. The claim states that the fixture is located within a housing and that the support plate has a first coupling member on the support plate, which engages a second coupling member on the spindle. Given that the limitations in the body of the claim rely on structure from the preamble, the preamble is given meaning in the claim. Therefore, since the fixture is located in a housing and that a first coupling engages a second coupling on the spindle, the claimed combination of the machine tool and the apparatus for dislodging surface contaminants is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

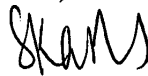
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shay L Karls
Patent Examiner
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